



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

TERRY, Alvin Mark

Serial No.: 10/645,046

Filed: August 21, 2003

Confirmation No.: 6537

Atty. File No.: 41942-05541

For: "CEPSTRAL DOMAIN PULSE
OXIMETRY"

) Group Art Unit: 3735

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) Examiner: WINAKUR, Eric Frank

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) RESPONSE TO NOTICE OF NON-
) COMPLIANT AMENDMENT

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<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON: <u>February 21, 2006.</u></p> <p style="text-align: center;">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>BY:  Lori Lane</p>

Mail Stop **AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

Applicant submits this paper in response to the Notice of Non-Compliant Amendment having a mailing date of February 3, 2006. Although Applicant believes an extension of time is not required, please consider this a petition for an extension of time under 37 C.F.R. 1.136 required, if any, to maintain the pendency of the application and charge the extension fees due, if any, to Deposit Account No. 50-1419.

In the Notice of Non-Compliant Amendment, it was indicated that Applicant's Amendment and Response mailed on January 23, 2006, failed to comply with 37 C.F.R. 1.121. Accordingly, presented below is a complete listing of the claims, including withdrawn Claims 10-36, marked up to show the amendments presented in Applicant's Amendment and Response. Applicant's prior remarks follow the listing of the claims. Also, submitted herewith is another Submission of Formal Drawings together with the formal drawings identified as replacement sheets in the top margin.